

Agenda

Item #5



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

To: Commissioners

From: Jonathan Wayne, Executive Director
Benjamin Dyer, Candidate Registrar

Date: July 17, 2012

Re: Proposed Finding of Violation against Representative Ronald E. Usher

The Maine Ethics Commission received a request for investigation from John Vedral of Buxton, Maine stating that Ronald E. Usher did not register on time as a candidate for the Maine House of Representatives, District 131. The complaint noted that Mr. Usher received contributions between February and April of 2012, qualified for the ballot in March of 2012, but did not register as a candidate with the Commission until May 21, 2012. During this time period, the Commission staff sent Mr. Usher two mailings and left a message at his home urging him to register.

Legal Requirements

Under 21-A M.R.S.A. § 1013-A(1)(A), candidates for the legislature are required to appoint a treasurer before accepting contributions. Within ten days of appointing a treasurer, the candidate must register with the Commission. The Commission may assess a penalty of up to \$10.00 for failing to register on time. 21-A M.R.S.A. §1020-A(1).

Interview of Mr. Usher

Executive Director Jonathan Wayne interviewed Mr. Usher by telephone during the second week of June, 2012. Mr. Usher admitted he was late registering with the Commission. Mr. Usher offered that he had partially completed the form and set it aside

to obtain some contact information about his treasurer. He also said that there was an issue regarding the financial institution for the campaign account.

Notice to Mr. Usher of Opportunity to Respond

Mr. Wayne notified Mr. Usher by letter, dated June 18, 2012, that the staff was intending to recommend a finding that he violated 21-A M.R.S.A. §1013-A(1)(A) by not registering on time, and that the Commissioners assess a penalty of \$10.00. Mr. Usher was also advised that he could respond in writing and that if he chose not to, Mr. Wayne would represent to the Commission the content of the telephone conversation referenced above. The letter also gave Mr. Usher notice of the opportunity to appear in-person before the Commission at the July 25, 2012 meeting.

Staff Recommendation

The Commission staff recommends that at your July 25, 2012 meeting you find that Mr. Usher violated 21-A M.R.S.A. §1013-A(1)(A) by not registering with the Commission within 10 days of accepting contributions. We recommend a finding of violation because it is undisputed a violation occurred.

If you determine that Mr. Usher violated 21-A M.R.S.A. §1013-A(1)(A), under 21-A M.R.S.A. §1020-A(1) you have discretion to impose a \$10.00 fine. The Commission staff recommends assessing a monetary penalty of \$10.00 against Mr. Usher for failing to register on time. We are recommending a penalty only because Mr. Usher's campaign had begun receiving contributions in February. During a period of time in which an individual is receiving cash contributions, we believe the public and other potential candidates in the race deserve to know through the registration process that the individual is a candidate. While the Commission staff understands that occasionally mistakes and oversights occur, prompt registration is both a basic and important aspect of our disclosure laws.

Thank you for your consideration of this memorandum.



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

June 18, 2012

Hon. Ronald E. Usher
4 Whispering Pines Drive
Buxton, ME 04093

Dear Mr. Usher:

The Maine Ethics Commission received the attached request for investigation from John Vedral of Buxton, Maine stating that you did not register on time as a candidate for the Maine House of Representatives, District 131. The complaint notes that you accepted contributions in February-April 2012, but did not register as a candidate with the Commission until May 21, 2012. You qualified for the ballot in March 2012.

Legal Requirements

Candidates for office are required to appoint a treasurer before accepting any contributions. (21-A M.R.S.A. § 1013-A(1)(A)) Within 10 days of appointing a treasurer, the candidate must register with the Commission. The Commission may assess a penalty of up to \$10 for failing to register on time. (21-A M.R.S.A. § 1020-A(1))

Commission's Consideration of this Matter

The Commission will be meeting on July 25, 2012 at 9:00 a.m. at the Commission office in Augusta. At the meeting, the Commission staff will recommend that the Commissioners find that you violated 21-A M.R.S.A. § 1013-A(1)(A) by not registering on time, and that the Commissioners assess a penalty of \$10.

If you would like to respond to the proposed finding of violation and penalty, please send a letter addressed to Walter F. McKee, Chair, Maine Ethics Commission, 135 SHS, Augusta, ME. 04333. If you do not respond in writing, my memo to the Commissioners will reflect the information you provided to me by phone recently, which was that you partially completed the form and set it aside to obtain some contact information of your treasurer, and that there was also an issue of the financial institution for the campaign account.

You are also welcome to respond to the recommended finding of violation and penalty by attending the meeting and speaking to the Commissioners directly.

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE
WEBSITE: WWW.MAINE.GOV/ETHICS

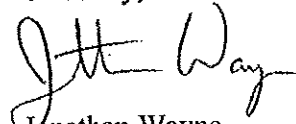
PHONE: (207) 287-4179

FAX: (207) 287-6775

Hon. Ronald E. Usher
Page 2
June 18, 2012

Thank you for your cooperation in speaking to me recently. If you have any questions, please call me at 287-4179.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Wayne". The signature is fluid and cursive, with the first name "Jonathan" and last name "Wayne" clearly distinguishable.

Jonathan Wayne
Executive Director

Enclosure

cc: John Vedral
Hon. Donald G. Marean

Wayne, Jonathan

From: John Vedral [ethics@listmgr.com]
Sent: Thursday, June 14, 2012 9:36 AM
To: Wayne, Jonathan
Subject: Ronald E. Usher - House District 131

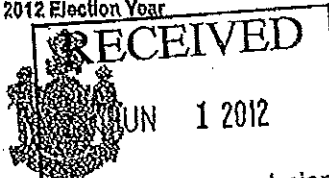
Mr. Wayne,
In my further examination of House District 131 candidates, and through discussions with other parties, I have discovered that Mr. Ronald E. Usher accepted donations for his campaign in February, March, and April of 2012 but had not filed a Candidate registration until May 21, 2012.

Since state law requires a candidate to appoint a treasurer before accepting contributions and to report this appointment within 10 days, I believe that there is cause for investigation of this matter.

I would like to know if the matter is already under investigation and is to be taken up by the Commission or if some further action is needed in order to have it considered.

Regards,
John Vedral
Buxton

2012 Election Year



COMMISSION ON GOVERNMENTAL ETHICS AND ELECTION PRACTICES
Mail: 135 State House Station, Augusta, Maine 04333
Office: 45 Memorial Circle, Augusta, Maine

Website: www.maine.gov/ethics
Phone: 207-287-4179
Fax: 207-287-8776

2012 CAMPAIGN FINANCE REPORT

FOR PRIVATELY FINANCED LEGISLATIVE AND COUNTY CANDIDATES

Please complete ALL entries.

NAME OF CANDIDATE	Ronald E Usher		<input type="checkbox"/> CHECK IF CHANGED FROM PREVIOUS REPORT
STREET	4 Whispering Pines Dr		
CITY AND ZIP CODE	Buxton	TELEPHONE NUMBER 207 929 3474	
E-MAIL			
OFFICE SOUGHT	Representative	DISTRICT NUMBER OR COUNTY 131	

NAME OF TREASURER	Tammy L Plouffe		<input type="checkbox"/> CHECK IF CHANGED FROM PREVIOUS REPORT
MAILING ADDRESS STREET	71 Tangwood Dr		
CITY AND ZIP CODE	Hollis Me 04042	TELEPHONE NUMBER 207 651-0803	
E-MAIL			

Type of Report	Due Date	Dates of Report Period
<input checked="" type="checkbox"/> 11-Day Pre-Primary	June 1, 2012	Beginning of campaign - May 29, 2012 For candidates who filed a 2012 January Semiannual: 1/1/2012-5/29/2012
<input type="checkbox"/> 42-Day Post-Primary	July 24, 2012	May 30 - July 17, 2012
<input type="checkbox"/> 42-Day Pre-General	September 25, 2012	July 18 - September 18, 2012
<input type="checkbox"/> 11-Day Pre-General	October 26, 2012	September 19 - October 23, 2012
<input type="checkbox"/> 42-Day Post-General	December 18, 2012	October 24 - December 11, 2012
<input type="checkbox"/> Amendment to: _____		
<input type="checkbox"/> Other (specify): _____		
<input type="checkbox"/> Check if campaign had NO activity for the report period (no other pages are required).		

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND TO THE BEST OF MY KNOWLEDGE IT IS TRUE, CORRECT, AND COMPLETE.

Treasurer's Signature: Tammy L Plouffe Date: 5/31/2012 Candidate's Signature: Ronald E Usher Date: 5/31/12

UNSWORN FALSIFICATION IS A CLASS D CRIME (17-A M.R.S.A. § 453).

Ronald E. Usher
CANDIDATE'S FULL NAME

Page 2 of 9
(Schedule A only)

**SCHEDULE A
CASH CONTRIBUTIONS**

- Itemize all cash contributions from contributors who have given you more than \$50 in this report period.
- Both cash and in-kind contributions count toward the \$50 threshold.
- Report the occupation and employer for every contributor who is an individual and who contributed more than \$50 in this report period.
- If you have requested employment information from the contributor and the contributor has not provided it, indicate "information requested" for the occupation and employer.
- Indicate whether the contribution is for the primary (P) or the general (G) election. Candidates may accept contributions from a single contributor for both the primary and general elections at the same time. General election contributions received before the primary must be segregated from primary election campaign funds.
- For cash contributions totaling \$50 or less, please enter "total of contributions \$50 or less" and the total amount on a line on this page. Once a contributor has given you more than \$50 in a report period, you must list that contributor separately.
- On the first report of the election cycle only, include the total of any surplus campaign funds, if any, from a previous election cycle that you are transferring to your 2012 campaign.

Total contributions (both cash and in-kind) from the same source (except the candidate and candidate's spouse or domestic partner) may NOT exceed \$350 for legislative candidates and \$750 for county candidates per election. For party candidates, the primary and general elections are separate elections. Non-party candidates have only one election, the general election.

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP	OCCUPATION AND EMPLOYER	TYPE (use key code)	ELECTION	AMOUNT
2/15/12	Ron E Usher 4 Conspiring Pines Buxton ME 04093	RETIRED	1	P	25.00
4/3/12	James W. Case PO Box 6000 Topsfield, ME 04086	ATTORNEY	2	P	200.00
3/19/12	High Hopes PAC 141 South St Concord ME 04027	ATTORNEY STATE SUP (Phil) Bortnick	3	P	100.00
2/19/12	Roger C. Hare 30 Curtis St South Portland ME 04066	RETIRED	2	P	350.00
3/19/12	LAW OFFICE OF D'LEIKINS L.L.M. 90000x 2nd Rd Bldg ME 04095	ATTORNEY SELF	3	P	250.00
5/16/12	Elizabeth A. Hodgland Anthony W. Dwyer 138 S. Loudon Rd Portland ME 04102	ATTORNEY Parti/Mannery Law		P	350.00

Total cash contributions for the primary election (this page only) ⇒
(combined totals for primary election contributions from all Schedule A pages must be listed on
Schedule F, line 1A)

1050.00

Total cash contributions for the general election (this page only) ⇒
(combined totals for general election contributions from all Schedule A pages must be listed on
Schedule F, line 1B)

Key Codes:
1 = Candidate and Candidate's Spouse/Domestic Partner
2 = Other Individuals
3 = Commercial Sources (corporations, etc.)
4 = Political Action Committees

5 = Political Party Committees
6 = Other Candidates and Committees
7 = (This type not applicable to privately financed candidates.)
8 = Contributors Giving \$50 or Less
9 = Transfer from Previous Campaign

(Duplicate as needed.)

Ronald E. UsherPage 5 of 9
(Schedule A only)

CANDIDATE'S FULL NAME

SCHEDULE A
CASH CONTRIBUTIONS (continued)

DATE RECEIVED	CONTRIBUTOR'S NAME, ADDRESS, ZIP	OCCUPATION AND EMPLOYER	TYPE (use key code)	ELECTION	AMOUNT
5/16/12	Saverin M. Beliveau 3 Wetherfield Rd Hallowell Me 04347	ATTORNEY Presi / H. O. Hartley Law		P	200.00
Total cash contributions for the <u>primary election</u> (this page only) => (combined totals for primary election contributions from all Schedule A pages must be listed on Schedule F, line 1A)					200.00
Total cash contributions for the <u>general election</u> (this page only) => (combined totals for general election contributions from all Schedule A pages must be listed on Schedule F, line 1B)					

Key Codes:

- 1 = Candidate and Candidate's Spouse/Domestic Partner
- 2 = Other Individuals
- 3 = Commercial Sources (corporations, etc.)
- 4 = Political Action Committees

- 5 = Political Party Committees
- 6 = Other Candidates and Committees
- 7 = (This type not applicable to privately financed candidates.)
- 8 = Contributors Giving \$50 or Less
- 9 = Transfer from Previous Campaign

2012 Election Year



RECEIVED

MAY 21 2012

Maine Ethics Commission

COMMISSION ON GOV. MENTAL ETHICS AND ELECTION PRACTICES
 Mail: 135 State House Station, Augusta, Maine 04333
 Office: 45 Memorial Circle, Augusta, Maine

Website: www.maine.gov/ethics
 Phone: 207-287-4179
 Fax: 207-287-6775

2012 CANDIDATE REGISTRATION

Notice: Changes to registration information must be filed within 10 days in writing or by e-mail to the Commission.

Is this an amendment? ☐ Yes ☒ No

CANDIDATE INFORMATION			
Are you running as a (check one):		<input type="checkbox"/> Maine Clean Election Act candidate	<input checked="" type="checkbox"/> traditionally financed candidate
Title <input type="checkbox"/> Ms. <input type="checkbox"/> Mrs. <input checked="" type="checkbox"/> Mr. <input type="checkbox"/> Dr. <input type="checkbox"/> Honorable	Party affiliation DEMOCRAT	Office sought STATE REPRESENTATIVE	
Name: First RONALD	MI or Middle Name E.	Last USHER	District or County 131
Mailing address 4 WHISPERING PINES DR.		Home Phone 207-929-3474	
City, zip code BOXTON 04093		Cell Phone 831-0541	
E-mail RUSHER12@ROADRUNNER.COM		Fax	Work Phone

TREASURER INFORMATION			
Name: First TAMMY	MI or Middle Name	Last PLOUFFE	Phone (home) 651-0803
Mailing address 71 TANGLEWOOD DR.			Phone (work) 11
City, zip code HOLLIS 04042		E-mail	Fax

DESIGNATION OF TREASURER: A candidate for office must appoint a treasurer no later than 10 days after becoming a candidate, and before accepting contributions, making expenditures or incurring obligations. No later than 10 days after appointing a treasurer, the candidate must register with the Commission the name and address of the candidate and treasurer. The treasurer is responsible for maintaining campaign records and for filing reports. A MCEA candidate may serve as treasurer for no more than 14 days following the date of registration. (21-A MRSA §§ 1013-A and 1125(12-A))

DEPUTY TREASURER INFORMATION			
Name: First 2A	MI or Middle Name	Last	Phone (home)
Mailing address			Phone (work)
City, zip code			E-mail

DESIGNATION OF DEPUTY TREASURER (optional): The candidate may appoint a deputy treasurer and notify the Commission no later than 10 days after the appointment. The deputy, when acting in the absence of the treasurer, has the same powers and responsibilities as the treasurer. A MCEA candidate may serve as deputy treasurer for no more than 14 days following the date of registration. (21-A MRSA §§ 1013-A and 1125(12-A)) (21-A MRSA § 1013-A (1)(A)(1))

3. AUTHORIZED AGENT INFORMATION		
Name	Phone	Email
Name	Phone	Email

DESIGNATION OF AUTHORIZED AGENT (optional): Please use this section to designate individuals, other than the treasurer and deputy treasurer, authorized to file reports on your behalf.

4. POLITICAL COMMITTEE INFORMATION	
Name <i>USHER FOR MAINE HOUSE</i>	Phone <i>929-3474</i>
Address of campaign headquarters <i>4 WHISPERING PINES DR.</i>	City, zip code <i>BUXTON 04093</i>

DESIGNATION OF POLITICAL COMMITTEE (optional): The candidate may form a political or campaign committee. Within 10 days of forming the committee and before accepting contributions, making expenditures or incurring obligations, the candidate must:

- appoint a treasurer (the candidate may have only one treasurer who is listed in Section 2) and
- register the committee and its officers, if any are appointed, with the Commission. (21-A MRSA § 1013-A (1) (B))

Committee Officers (use additional pages, if necessary):

Name	Title	Phone
Mailing address	City, zip code	E-mail

Name	Title	Phone
Mailing address	City, zip code	E-mail

5. CERTIFICATION	
I, <u>RONALD E. USHER</u> , certify that the information in this registration is true, (Print Candidate's Full Name)	
accurate and complete.	
Signature of Candidate <i>Ronald E Usher</i>	Date <i>5-15-12</i>

6. FOR COUNTY CANDIDATES ONLY	
<p>REPORTING EXEMPTION REQUEST: A candidate for <u>county office</u> may request an exemption from the obligation to appoint a treasurer and file campaign finance reports if the candidate does not accept any cash or in-kind contributions or make any expenditures for his or her campaign. You cannot request a reporting exemption if you use your or your spouse's/domestic partner's personal funds to pay for your campaign expenses. To request an exemption, complete the statement below and sections 1 & 5, have the form notarized, and submit it to the Commission.</p>	
<p>STATEMENT OF ELIGIBILITY FOR A REPORTING EXEMPTION: I, the undersigned, swear or affirm that I will not accept contributions, make expenditures or incur obligations associated with my candidacy.</p>	
Signature of county candidate	Date
Subscribed and sworn (affirmed) to before me this _____ day of _____, 20____.	
Signature of Notary/Attorney-at-law (Seal is optional)	My commission expires _____ (Date)
<p>REVOCATION NOTICE: The foregoing statement may be revoked. Prior to revocation, the candidate must appoint a treasurer. A revocation notice must be in the form of an amended registration which must be filed with the Commission no later than 10 days after the date the treasurer is appointed. The notice must be filed before contributions are accepted or expenditures made. A late revocation notice is subject to the same penalties applicable to late campaign finance reports.</p>	

21-A M.R.S.A. § 1013-A. REGISTRATION

1. **Candidates, their treasurers and political committees.** A candidate shall register the candidate's name and the name of a treasurer with the commission at least once in each legislative biennium, as provided in this section. A candidate may have only one treasurer, who must be appointed pursuant to paragraph A or B. For purposes of this section, "legislative biennium" means the term of office a person is elected to serve in the Legislature.

A. No later than 10 days after becoming a candidate and before accepting contributions, making expenditures or incurring obligations, a candidate for state or county office or a candidate for municipal office who has not filed a written notice in accordance with section 1011, subsection 4, paragraph A shall appoint a treasurer. The candidate may serve as treasurer, except that a participating candidate, as defined in section 1122, subsection 6, or a candidate certified in accordance with section 1125 may not serve as treasurer, except that the candidate may serve as treasurer or deputy treasurer for up to 14 days after declaring an intention to qualify for campaign financing under chapter 14 until the candidate identifies another person to serve as treasurer. The candidate may have only one treasurer, who is responsible for the filing of campaign finance reports under this chapter. A candidate shall register the candidate's name and address and the name and address of the treasurer appointed under this section no later than 10 days after the appointment of the treasurer. A candidate may accept contributions personally or make or authorize expenditures personally, as long as the candidate reports all contributions and expenditures to the treasurer. The treasurer shall make a consolidated report of all income and expenditures and provide this report to the commission.

(1) A candidate may appoint a deputy treasurer to act in the absence of the treasurer. The deputy treasurer, when acting in the absence of the treasurer, has the same powers and responsibilities as the treasurer. A candidate certified in accordance with section 1125 may not serve as deputy treasurer. When a treasurer dies or resigns, the deputy treasurer may not assume the position of treasurer unless the candidate appoints the deputy treasurer to the position of treasurer. The candidate shall report the name and address of the deputy treasurer to the commission no later than 10 days after the deputy treasurer has been appointed. [2011, c. 389, §62 (AFF); 2011, c. 389, §9 (AMD).]

B. A candidate may authorize one political committee to promote the candidate's election. No later than 10 days after appointing a political committee and before accepting contributions, making expenditures or incurring obligations, a candidate for state, county or municipal office shall appoint a treasurer of the political committee. The treasurer of the political committee is responsible for filing campaign finance reports under this chapter. No later than 10 days after appointing a political committee, the candidate shall register with the commission the following information regarding the political committee:

- (1) The name of the committee;
- (2) The name and address of the committee's treasurer;
- (3) The name of the candidate who authorized the committee; and
- (4) The names and addresses of the committee's officers. [1995, c. 483, §4 (AMD).]

C. No later than 10 days after becoming a candidate, as defined in section 1, subsection 5, a candidate for the office of State House of Representatives or Senate shall file in writing a statement declaring that the candidate agrees to accept voluntary limits on political expenditures or that the candidate does not agree to accept voluntary limits on political

expenditures, as specified in section 1015, subsections 7 to 9. A candidate who has filed a declaration of intent to become certified as a candidate under the Maine Clean Election Act is not required to file the written statement required by this paragraph.

The statement filed by a candidate who voluntarily agrees to limit spending must state that the candidate knows the voluntary expenditure limitations as set out in section 1015, subsection 8 and that the candidate is voluntarily agreeing to limit the candidate's political expenditures and those made on behalf of the candidate by the candidate's political committee or committees, the candidate's party and the candidate's immediate family to the amount set by law. The statement must further state that the candidate does not condone and will not solicit any independent expenditures made on behalf of the candidate.

The statement filed by a candidate who does not agree to voluntarily limit political expenditures must state that the candidate does not accept the voluntary expenditure limits as set out in section 1015, subsection 8. [2007, c. 443, Pt. A, §7 (AMD) .]

[2011, c. 389, §62 (AFF); 2011, c. 389, §9 (AMD) .]

2. Authorized political committees.

[1991, c. 839, §34 (AFF); 1991, c. 839, §5 (RP) .]

3. Party committees. The state, district and county committees of parties shall submit to the commission the names and addresses of all their officers and of their treasurers and the name and address of the principal paid employee, if any, within 30 days after the appointment, election or hiring of these persons. Municipal committees must file copies of the same information with the commission and the municipal clerk. District, county and municipal committees that provide their state party committees with the information required by this subsection to be submitted to the commission have met that requirement. No later than the 2nd Monday in April of each year in which a general election is scheduled, the state committee of a party shall submit a consolidated report, including the information required under this subsection, for the district, county and municipal committees of that party.

[1995, c. 483, §5 (AMD) .]


4. Reporting by registered treasurers. Any contribution accepted and any expenditure made or authorized by or on behalf of a candidate registered under this section or qualified under sections 335 and 336 or sections 354 and 355 must be recorded and reported as provided in sections 1016 and 1017.

[1991, c. 839, §34 (AFF); 1991, c. 839, §6 (AMD) .]

5. Changes in registration information. Every change in information required by this section to be reported to the commission shall be reported within 10 days of the date of the change.

[1989, c. 504, §§4, 31 (NEW) .]

21-A MRSA § 1020-A. FAILURE TO FILE ON TIME

 **1. Registration.** A candidate that fails to register the name of a candidate, treasurer or political committee with the commission within the time allowed by section 1013-A, subsection 1 may be assessed a forfeiture of \$10. The commission shall determine whether a registration satisfies the requirements for timely filing under section 1013-A, subsection 1.

[1995, c. 483, §15 (NEW) .]

2. Campaign finance reports. A campaign finance report is not timely filed unless a properly signed or electronically submitted copy of the report, substantially conforming to the disclosure requirements of this subchapter, is received by the commission by 11:59 p.m. on the date it is due. Except as provided in subsection 7, the commission shall determine whether a report satisfies the requirements for timely filing. The commission may waive a penalty in whole or in part if the commission determines that the penalty is disproportionate to the size of the candidate's campaign, the level of experience of the candidate, treasurer or campaign staff or the harm suffered by the public from the late disclosure. The commission may waive the penalty in whole or in part if the commission determines the failure to file a timely report was due to mitigating circumstances. For purposes of this section, "mitigating circumstances" means:

- A. A valid emergency determined by the commission, in the interest of the sound administration of justice, to warrant the waiver of the penalty in whole or in part; [1999, c. 729, §5 (AMD) .]
- B. An error by the commission staff; [1999, c. 729, §5 (AMD) .]
- C. Failure to receive notice of the filing deadline; or [1999, c. 729, §5 (AMD) .]
- D. Other circumstances determined by the commission that warrant mitigation of the penalty, based upon relevant evidence presented that a bona fide effort was made to file the report in accordance with the statutory requirements, including, but not limited to, unexplained delays in postal service or interruptions in Internet service. [2009, c. 190, Pt. A, §13 (AMD) .]

[2009, c. 190, Pt. A, §13 (AMD) .]

3. Municipal campaign finance reports. Municipal campaign finance reports must be filed, subject to all the provisions of this subchapter, with the municipal clerk on forms prescribed by the Commission on Governmental Ethics and Election Practices. The municipal clerk shall send any notice of lateness required by subsection 6 and shall notify the commission of any late reports subject to a penalty.

[2011, c. 389, §22 (AMD); 2011, c. 389, §62 (AFF) .]

4. Basis for penalties.

[2001, c. 470, §7 (AMD); T. 21-A, §1020-A, sub-§4 (RP) .]

4-A. Basis for penalties. The penalty for late filing of a report required under this subchapter, except for accelerated campaign finance reports required pursuant to section 1017, subsection 3-B, is a percentage of the total contributions or expenditures for the filing period, whichever is greater, multiplied by the number of calendar days late, as follows:

- A. For the first violation, 1%; [2001, c. 714, Pt. PP, §1 (NEW); 2001, c. 714, Pt. PP, §2 (AFF) .]
- B. For the 2nd violation, 3%; and [2001, c. 714, Pt. PP, §1 (NEW); 2001, c. 714, Pt. PP, §2 (AFF) .]
- C. For the 3rd and subsequent violations, 5%. [2001, c. 714, Pt. PP, §1 (NEW); 2001, c. 714, Pt. PP, §2 (AFF) .]